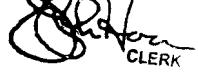


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
MAR 04 2009  
  
CLERK

\*\*\*\*\*  
\*  
PAUL SCHILF and CYNTHIA SCHILF, \* CIV 07-4015  
as special administrators for the Estate of \*  
Peter Raymond Schilf, Deceased; and \*  
PAUL SCHILF and CYNTHIA SCHILF, \*  
Individually, \*  
\*  
\*

Plaintiffs, \*

vs. \*

ORDER

ELI LILLY AND COMPANY and \*  
QUINTILES TRANSNATIONAL \*  
CORPORATION, \*

Defendants. \*

\*\*\*\*\*

Defendants have moved to have the Affidavit of Dr. Michael Detke and two FDA memoranda about a suicide of an unnamed and otherwise unidentified female sealed. These documents deal with a suicide that took place during clinical trials of duloxetine. If these were discovery documents, they would be sealed. However, these documents are put forth by Defendants as Exhibit B to a Reply Brief in Support of a Motion for Summary Judgment. Many cases are dismissed by summary judgment so it is a crucial stage in the litigation process. Here, the identity of the woman who committed suicide is not disclosed, and no adequate present or future business interest in confidentiality has been shown. When those factors are balanced against the public's interest in matters involving human health, there is no good cause shown for sealing these documents. Accordingly,

IT IS ORDERED That Defendants' Motion to Seal, Doc. 159, is therefore denied.

Dated this 4<sup>th</sup> day of March, 2009.

BY THE COURT:

  
\_\_\_\_\_  
Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Colleen Schulte  
DEPUTY